

REMARKS

These Remarks are submitted under 35 U.S.C. § 132 and 37 C.F.R. § 1.111 in response to the Office Action mailed January 16, 2007.

Summary of the Examiner's Action and Applicants' Response

The Examiner has rejected Claims 1-34, 52-57, 61-78, and 195 -200, as obvious based on Picco, et al. (U.S. Patent No. 6,029,045) in view of Flickinger, et al. (U.S. Published Patent Application No. 2005/0210502). Claims 58-60 have been rejected as being obvious based on Picco, et al. in view of Flickinger, et al. and further in view of Olivier (U.S. Patent No. 6,480,885). Applicants respectfully traverse the rejections. Claims 1-34, 52-57, 61-78, and 195 -200 remain pending.

Response to the Rejection of Claims 1-34, 52-57, 61-78, and 195 -200 under 35 U.S.C. §103(a)

Claims 1-34, 52-57, 61-78, and 195-200 have been rejected as obvious based on Picco, et al. in view of Flickinger, et al. The Examiner stated that Picco, et al. discloses all the elements in independent Claims 1, 17, 26, 52, 66, and 73, except that Picco does not expressly teach "wherein the transmitted media object is part of a program composition comprising multiple media objects presented simultaneously and the transmitted media object is targeted separately from at least one other media object in the composition." The Examiner stated that:

"Flickering (sp) teaches a system that replace[s] existing ads in a MPEG program with alternate ads according to users' profiles, where said alternate ads are inserted directly into a portion of a screen during the actual programming (see Flickering (sp) paragraphs 34.41, 42)". The Examiner concluded that it would have been "obvious to a person of ordinary skill in the art at the time the application was made, to know that Picco would replace existing ads in a program with alternate ads according to users' profiles by inserting said alternate ads into a portion of a screen during the actual programming. Picco and Flickering (sp) would take advantage of all the ad replacements' availabilities in said program in order to maximize profits, as advertisers would be charged for all the available spots in said program which were replaced with target separately ads (i.e. target ads from different advertisers) that were presented simultaneously during the actual programming."

Applicants respectfully disagree. Parenthetically, Applicants assume that the Examiner is referring to Flickinger, et al., as referenced in page 2 of the Office Action, when he refers to

"Flickering" on page 3 of the Office Action. If this assumption is not correct, we request that the Examiner inform us in the next action.

Applicants respectfully submit that, although Flickinger, et al. teaches inserting alternate targeted ads to substitute for default ads, there is no teaching or suggestion in Flickinger, et al. of determining a user profile that is targeted by the media object and "wherein the transmitted media object is part of a program composition comprising multiple media objects presented simultaneously and the transmitted media object is targeted separately from at least one other media object in the composition", as claimed in the independent claims, Claims 1, 17, 26, 52, 66, and 73. More specifically, Applicants respectfully submit that, for the present invention, as claimed in the independent claims, there are multiple media objects simultaneously presented within a composition, i.e., a scene. Applicants respectfully submit that, as claimed, the media object targeted to a user profile and transmitted to the user, as modified by a specific targeted content, is targeted separately from at least one of the other media objects within the composition. Applicants respectfully submit that targeting a media object is an act which is separate from presenting a media object to a user, according to the present invention. According to the present invention, Applicants respectfully submit that, for the act of targeting a media object, the system may choose many users who fulfill a certain criteria which would make it desirable to target a certain media object to those users. For example, if a group of users drive sports cars, one would want to target advertisements for sports cars to those users. If one of those users also listens to classical music and another listens to rock music, one would target the classical listener for media objects related to classical music and the rock listener for media objects related to rock music. Thus, Applicants respectfully submit that the sports car advertisements and the classical music content in this example may be targeted separately, but to the same user. Therefore, Applicants respectfully submit that if both of those media objects were transmitted to the sports car/classical listener users, those media objects would be presented simultaneously, even though they were targeted separately, as claimed in the independent claims. That is, Applicants respectfully submit that the transmitted media object is targeted separately from at least one other media object in the composition, where the media objects are presented simultaneously in the composition, as claimed in the independent claims.

Further regarding Flickinger, et al., Applicants respectfully submit that Flickinger, et al.'s teaching of inserting an alternate ad targeted to a user based on a profile as a substitute for a

default ad (or any of its other teachings) do not teach or suggest having multiple objects being presented simultaneously in a composition, as claimed in the independent claims. Further, Applicants respectfully submit that Flickinger, et al. does not teach or suggest that, of those media objects that are presented simultaneously in the composition, a transmitted media object is targeted separately from at least one of the other simultaneously presented media objects, as claimed in the independent claims.

For all of the above reasons, Applicants respectfully submit, therefore, that independent Claims 1, 17, 26, 52, 66, and 73 are non-obvious based on Picco, et al. in view of Flickinger, et al.

Claims 2-16 and 195 depend from Claim 1 and are thus respectfully submitted as being non-obvious based on Picco, et al. in view of Flickinger, et al. for the same reasons as given above for Claim 1. Claims 18-25 and 196 depend from Claim 17 and are thus respectfully submitted as being non-obvious based on Picco, et al. in view of Flickinger, et al. for the same reasons as given above for Claim 17. Claims 27-34 and 197 depend from Claim 26 and are thus respectfully submitted as being non-obvious based on Picco, et al. in view of Flickinger, et al. for the same reasons as given above for Claim 26. Claims 53-65 and 198 depend from Claim 52 and are thus respectfully submitted as being non-obvious based on Picco, et al. in view of Flickinger, et al. for the same reasons as given above for Claim 52. Claims 67-72 and 199 depend from Claim 66 and are thus respectfully submitted as being non-obvious based on Picco, et al. in view of Flickinger, et al. for the same reasons as given above for Claim 66. Claims 74-78 and 200 depend from Claim 73 and are thus respectfully submitted as being non-obvious based on Picco, et al. in view of Flickinger, et al. for the same reasons as given above for Claim 73.

Response to the Rejection of Claims 58-60 under 35 U.S.C. § 103(a)

The Examiner has rejected Claims 58-60 as obvious based on Picco, et al. in view of Flickinger, et al. and further in view of Olivier (U.S. Patent No. 6,480,885). The Examiner stated that Picco, et al. fails to teach establishing a chat interface between a user and a system transmitting the media object, wherein the chat interface utilizes at least one media object to facilitate communications. The Examiner also stated that "Olivier teaches a system that allows users to be targeted with customized messages via e-mail, chat or instant messaging based upon the users' profiles (see column 3, lines 5-32)". The Examiner concluded that "it would have been obvious to a person of ordinary skill in the art at the time the application was made, to know that

Picco would use the Olivieri (sp) system to target messages to users based upon the users' profiles. This feature would allow users of the Picco system to select the messages that the users would like to receive."

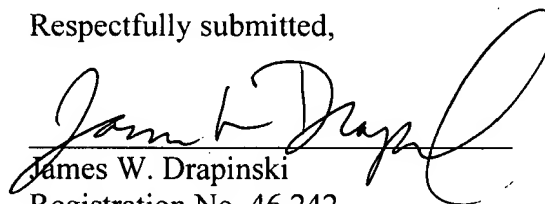
Applicants respectfully disagree. Applicants respectfully submit that Claims 58-60 depend from Claim 52 and thus are non-obvious based on the applied references for the same reasons given above for Claim 52. Further, Applicants respectfully submit that Olivier does not teach or suggest utilizing media objects and, specifically, utilizing the media objects in a chat, electronic mail, or instant messaging interface, as claimed in Claims 58-60 respectively. Applicants respectfully submit, therefore, that there is no teaching or suggestion in Olivier, Picco, et al. or Flickinger, et al., either singly or combined, of transmitting media objects via a chat, electronic mail or instant message interface, as claimed in Claims 58-60 respectively. Applicants respectfully submit, therefore, that Claims 58-60 are non-obvious based on Picco, et al. in view of Flickinger, et al. and further in view of Olivier for this additional reason.

Conclusion

For the above reasons, Applicants respectfully submit that all pending claims, Claims 1-34, 52-78 and 195-200 in the present application are allowable. Such allowance is respectfully solicited.

If a telephone conference would expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (415) 984-8200.

Respectfully submitted,


James W. Drapinski
Registration No. 46,242

April 13, 2007

Date

NIXON PEABODY LLP

Suite 900, 401 9th Street, N.W

Washington, D.C. 20004-2128

(415) 984-8200